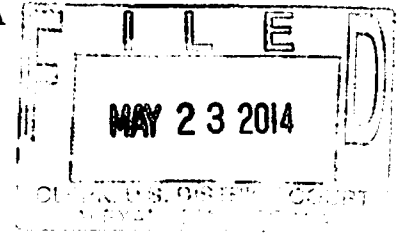


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**



BIOGEN IDEC MA INC.,

Plaintiff,

v.

JAPANESE FOUNDATION FOR
CANCER RESEARCH;
KYOWA HAKKO KIRIN CO., LTD;
TORAY INDUSTRIES, INC.; and
BAYER PHARMA AG,

Defendants.

No. 1:13-CV-01489-CMH-TRJ

JOINT STIPULATION AND ORDER

WHEREAS on December 3, 2013, Plaintiff Biogen Idec MA Inc. ("Biogen Idec"), filed a complaint ("the Complaint") against Defendants Japanese Foundation for Cancer Research ("JFCR"), Kyowa Hakko Kirin Co., Ltd. ("Kyowa"), Toray Industries, Inc. ("Toray"), and Bayer Pharma AG ("Bayer") (Dkt. 1) in the above-captioned action and all defendants have now been served;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. All parties agree to the dismissal of all claims against Kyowa and Toray without prejudice. Further, all parties agree that Kyowa and Toray are not indispensable parties to this

action, and will not argue such at a later date, or otherwise attempt to join them as parties in this action.

2. This stipulation is without prejudice to Biogen Idec's right to seek to dismiss Bayer from this case under the Federal Rules of Civil Procedure, including but not limited to, Federal Rule of Civil Procedure 21. However, this stipulation is also without prejudice to Bayer's right to oppose any such request for dismissal. All parties agree not to argue that Bayer's consent to this stipulation with respect to Kyowa and Toray, or its agreement that they are not indispensable parties, bears on the question of whether Bayer is an indispensable party.

Dated: May 22, 2014

Respectfully Submitted,

/s/

R. Danny Huntington (VSB No. 16407)
E. Anthony Figg (*pro hac vice*)
Sharon E. Crane (*pro hac vice*)
ROTHWELL, FIGG, ERNST &
MANBECK, P.C.
607 14th Street, NW
Suite 800
Washington, DC 20005
Phone: (202) 783-6040
Fax: (202) 783-6031

Counsel for Plaintiff Biogen Idec

/s/

Nels T. Lippert, (*pro hac vice*)
TARTER KRINSKY & DROGIN LLP
1350 Broadway
New York, NY 10018
Phone: (212) 216-1157
Fax: (212) 216-8001
nlippert@tarterkrinsky.com

*Counsel for Defendants Japanese Foundation
for Cancer Research, Kyowa Hakko Kirin
Co., Ltd and Toray Industries, Inc.*

/s/

Eric C. Wiener (VSB No. 79206)
Bruce R. Genderson
David I. Berl
David M. Krinsky
WILLIAMS & CONNOLLY LLP
725 12th Street, N.W.
Washington, DC 20005
Phone: (202) 434-5000
Fax: (202) 434-5029

Counsel for Defendant Bayer Pharma AG

/s/

Brittany Amadi (VSB No. 80078)
WILMER CUTLER PICKERING HALE
AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Phone: (202) 663-6022 (t)
Fax: (202) 663-6363 (f)
Brittany.Amadi@wilmerhale.com

*Counsel to Defendant Japanese Foundation for
Cancer Research*

SO ORDERED this 23rd day of May, 2014.

/s/
Claude M. Hilton
United States District Judge